

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JONATHAN HARRIS WATSON,	§	
	§	
Petitioner,	§	
VS.	§	CIVIL NO. 2:12-CV-349
	§	
RICK THALER, <i>et al</i> ,	§	
	§	
Respondents.	§	

ORDER

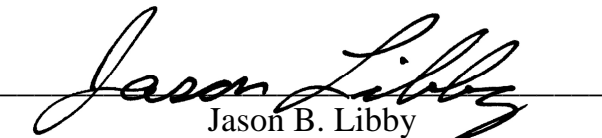
Petitioner is a state inmate currently incarcerated at the Hughes Unit in Gatesville, Texas, who has filed a habeas petition pursuant to 28 U.S.C. § 2254, challenging a parole revocation proceeding. (D.E. 1). Pending is his Motion to Compel the Production of Documents related to his disciplinary proceeding. (D.E. 50). Petitioner's previous Motion to Compel was denied. (D.E. 25) After denying Petitioner's prior motion for discovery, the Court ordered Respondent to submit additional materials relevant to this litigation to expand the record. (D.E. 43).

A habeas petitioner is generally not entitled to discovery. Rather, "Rule 6 of the Rules Governing § 2254 cases permits discovery only if and only to the extent that the district court finds good cause." *Murphy v. Johnson*, 205 F.3d 809, 814 (5th Cir. 2000) (emphasis added); *see also United States v. Webster*, 392 F.3d 787, 801 (5th Cir. 2004) ("A habeas petitioner may 'invoke the process of discovery available under the Federal Rules of Civil Procedure if, and to the extent that, the judge in the exercise of his

discretion and for good cause shown grants leave to do so, but not otherwise.’”) (citation omitted). The Fifth Circuit has explained that “[i]n order to establish good cause, the petitioner must demonstrate that ‘a factual dispute, if resolved in the petitioner’s favor, would entitle him to relief and the state has not afforded the petitioner a full and fair evidentiary hearing.’” *Lave v. Dretke*, 416 F.3d 372, 381 (5th Cir. 2005) (quoting *Ward v. Whitley*, 21 F.3d 1355, 1367 (5th Cir. 1994)).

To the extent the Court’s previous order was unclear to the Respondent, the Respondent shall and is hereby ORDERED to furnish Petitioner with copies of the additional materials listed in the Court’s Order to Expand the Record (D.E. 43) no later than July 8, 2013. Petitioner then has a right to admit or deny the correctness of the additional matters submitted by Respondent pursuant to Rule 7(c) of the rules governing § 2254 cases. 28 U.S.C. § 2254. Petitioner’s renewed Motion for Production of Documents (D.E. 50) is otherwise DENIED.

ORDERED this 28th day of June, 2013.


Jason B. Libby
United States Magistrate Judge